

HOUSE No. 1407

By Mr. Fallon of Malden, petition of Christopher G. Fallon relative to the fines and penalties for leaving unattended children in motor vehicles. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROHIBITING THE LEAVING OF UNATTENDED CHILDREN IN MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 90 of the General Laws is hereby amended by inserting
- 2 after section 7CC the following section:—
- 3 Section 7DD. As used in this section the following terms shall
- 4 have the following meanings:—
 - 5 “Motor Vehicle”, any automobile, truck, truck-tractor, or any
 - 6 motor bus or motor-propelled vehicle not exclusively operated or
 - 7 driven on fixed rails or tracks.
 - 8 “Unattended Child”, a child who is not accompanied by another
 - 9 person who is at least 14 years of age. A person responsible for a
 - 10 child who is 8 years of age or younger shall not leave that child in a
 - 11 motor vehicle without being supervised in the motor vehicle by a
 - 12 person who is at least 14 years of age if:— the conditions present a
 - 13 risk to the child’s health or safety, or the engine of the motor vehicle
 - 14 is running or the keys to the motor vehicle are anywhere in the pas-
 - 15 senger compartment of the vehicle.
 - 16 Any person who violates any provision of this section shall be
 - 17 punished by a fine of not less than \$200 for a first offense and not
 - 18 less than \$500 for a second or subsequent violation.
 - 19 The court may reduce or waive the fine if the defendant estab-
 - 20 lishes to the satisfaction of the court that he is economically disad-
 - 21 vantaged and the court, instead, refers the defendant to a community
 - 22 education program that includes education on the dangers of leaving
 - 23 your children unattended in motor vehicles, and provides certifica-
 - 24 tion of completion of that program. Upon completion of that

25 program, the defendant shall provide that certification to the court.
26 The court may, at its discretion, require any defendant described in
27 this section to attend an education program on the dangers of leaving
28 young children unattended in motor vehicles.
29 Nothing in this section precludes prosecution under any other pro-
30 vision of law.